

7 INSTITUTIONAL CONTROLS

Institutional controls are measures undertaken to limit or prohibit activities that may interfere with the integrity of a cleanup action or result in exposure to hazardous substances at the site. Such measures are required to assure continued protection of human health and the environment when a cleanup action results in residual concentrations of indicator hazardous substances that exceed cleanup levels set forth in the CAP, and where conditional points of compliance have been established. Installing temporary fencing around the active landfill removal area during construction will provide access restrictions.

Site uses would be constrained by restrictive covenants that are required by MTCA (WAC 170-340-440(4)(a)). Elements of the restrictive covenants for the site include prohibition of activities that would damage the integrity of the soil cover or equivalent structural cap placed over the waste material. Consistent with the requirements of the Consent Decree, the City and other settling landowners will add restrictive covenants to their property deeds that will restrict the property use and allow implementation of the remedial action proposed in this document. The City intends to obtain agreements from other owners of the site that they concur with placing a deed restriction on their property. The form and recording schedule for the Restrictive Covenants are set forth in the Consent Decree.